

**PUBLIC SAFETY  
AND  
LEGAL ADMINISTRATION COMMITTEE  
MINUTES**

**NOVEMBER 9, 2010**

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, November 9, 2010 at 3:48 p.m., in Committee Room #2.** The following members were present:

**The Honorable Ivory L. Young, Jr., Chair  
The Honorable H. Lamar Willis, Vice-Chair  
The Honorable C. T. Martin  
The Honorable Joyce Sheperd  
The Honorable Yolanda Adrean  
The Honorable Natalyn M. Archibong  
The Honorable Keisha Lance Bottoms**

Others present at the meeting were: Cathy Hampton, City Attorney, Deputy City Attorney, Jerry Deloach and Amber Robinson, Law Department; Assistant Chief Peter Andresen, Deputy Chiefs Calvin Moss and Shawn Jones, Major Erika Shields, Police Department; Cristina Beamud, Atlanta Citizen Review Board; media, public and council staff.

Chairman Young called the meeting to order at 3:48 p.m. after declaring a quorum present. He then proceeded with the following order of business:

- A. ADOPTION OF AGENDA - ADOPTED AS AMENDED TO ADD ONE RESOLUTION AND EXECUTIVE SESSION**
- B. APPROVAL OF MINUTES - APPROVED**
- C. DISCUSSION ITEM**

Claims and Litigation Quarterly Report – Jerry Deloach, Law Department

**CONSENT**

**D. RESOLUTIONS**

**Claims with favorable recommendations:**

- 10-R-1930 ( 1)      Claim of **Latanya Barnett and Auto Finance (APD-9)**, for damages alleged to have been sustained as a result of a vehicular accident on June 29, 2010 at Donald L. Hollowell Parkway at Interstate 285 Overpass. **\$11,023.19**

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**RESOLUTIONS (CONT'D)**

**Claims with favorable recommendations:**

- 10-R-1931 ( 2)      Claim of **Tamiko Holloway, through her attorney, Sheryl L. Burke, Attorney at Law (DWM-1)**, for bodily injuries alleged to have been sustained from an automobile accident on May 7, 2010 at Grant Street and McDonough Boulevard.  
**\$4,900.00**
- 10-R-1932 ( 3)      Claim of **Noelle and Murali Kumbale (DWM-3)**, for personal injuries alleged to have been sustained as a result of a curb cock leak in December 2009 at 2050 Joseph E. Boone Boulevard, NW.  
**\$3,500.00**
- 10-R-1933 ( 4)      Claim of **Jeffrey McDonald (DWM-9)**, for vehicle damages alleged to have been sustained as a result of an unsecured metal plate on February 9, 2010 at 1689 Howell Mill Road.  
**\$1,965.00**
- 10-R-1934 ( 5)      Claim of **Willie Freeman (DPW-3)**, for damages alleged to have been sustained as a result of a vehicular accident on August 9, 2010 at Fairfield Place at Verbena Street.  
**\$1,700.00**
- 10-R-1935 ( 6)      Claim of **Morgan Pugh (DWM-9)**, for vehicle damages alleged to have been sustained as a result of an unsecured metal plate on February 9, 2010 at 1689 Howell Mill Road.  
**\$1,354.00**
- 10-R-1936 ( 7)      Claim of **Larry Hoskins (DWM-9)**, for vehicle damages alleged to have been sustained as a result of an unsecured metal plate on February 9, 2010 at 1689 Howell Mill Road.  
**\$1,328.36**
- 10-R-1937 ( 8)      Claim of **Reginald Driskell, Jr. (DPW-6)**, for damages alleged to have been sustained as a result of driving over a pothole on August 30, 2010 at 1328 DeKalb Avenue.  
**\$1,190.00**

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**RESOLUTIONS (CONT'D)**

**Claims with favorable recommendations:**

- 10-R-1938 ( 9)      Claim of **Todd Johns Georgecink (DWM-9)**, for vehicle damages alleged to have been sustained as a result of an unsecured metal plate on January 21, 2010 at 1689 Howell Mill Road. **\$780.56**
- 10-R-1939 (10)      Claim of **Laura and Darren Hamm (DWM-9)**, for vehicle damages alleged to have been sustained as a result of driving over an unsecured construction cut on February 9, 2010 at 1689 Howell Mill Road. **\$531.00**
- 10-R-1955 (11)      Claim of **USAA, as subrogee of Clinton D. Ward (DWM-9)**, for vehicle damages alleged to have been sustained as a result of driving over an unsecured metal plate on February 9, 2010 at 1689 Howell Mill Road. **\$3,086.09**
- 10-R-1956 (12)      Claim of **State Farm Insurance Companies, as subrogee of Leonard B. Gales (APD-2)**, for damages alleged to have been sustained as a result of an automobile accident on March 21, 2010 at 41 10<sup>th</sup> Street, NE. **\$4,059.87**
- 10-R-1957 (13)      Claim of **Progressive Premier Insurance Company of Illinois, as subrogee of Charles Solley (APD-2)**, for property damages alleged to have been sustained from an automobile accident on June 4, 2010 at Ivan Allen, Jr. Boulevard and Spring Street. **\$4,267.97**
- 10-R-1958 (14)      Claim of **Progressive, as subrogee of Elroy Reese (DPW-3)**, for damages alleged to have been sustained as a result of an automobile accident on July 6, 2010 at 921 Ralph David Abernathy Boulevard. **\$3,470.66**

**Claims with unfavorable recommendations:**

- 10-R-1940 (15)      Claim of **Brooks White, through his attorney, Gregory J. Parent (DWM-3)**, for damages alleged to have been sustained as a result of flooding due to storm water overflow on September 21, 2009 at 1719 Detroit Avenue.

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**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 10-R-1941 (16) Claim of **Maudie O. Petty (DWM-10)**, for damages alleged to have been sustained during a sewer rehabilitation project on September 7, 2010 at 1781 South Gordon Street, SW.
- 10-R-1942 (17) Claim of **Rita James, through her attorney, Gregory J. Parent (DWM-3)**, for damages alleged to have been sustained as a result of flooding due to storm water overflow on September 21, 2009 at 539 Baker Circle, NW.
- 10-R-1943 (18) Claim of **Mary Alice Smith, through her attorney, Gregory J. Parent (DWM-3)**, for damages alleged to have been sustained as a result of flooding due to storm water overflow on September 21, 2009 at 1681 Detroit Avenue.
- 10-R-1944 (19) Claim of **Allstate Insurance Company, as subrogee of Alvin Phillips (DWM-12)**, for damages alleged to have been sustained as a result of a sewer rehabilitation project on May 26, 2010 at 2901 River Ridge Drive.
- 10-R-1945 (20) Claim of **Shelton Stargell, through his attorney, Amjad M. Ibrahim (NA-3)**, for damages alleged to have been sustained as a result of an automobile accident on September 7, 2010 at Sunset Avenue and Martin Luther King, Jr. Drive.
- 10-R-1946 (21) Claim of **Rafael Smith, through his attorney, Amjad M. Ibrahim (NA-3)**, for damages alleged to have been sustained as a result of an automobile accident on September 7, 2010 at Sunset Avenue and Martin Luther King, Jr. Drive.
- 10-R-1947 (22) Claim of **Marie Murph (DPRCA-11)**, for damages alleged to have been sustained as a result of a tree falling on February 15, 2010 at 782 Niskey Lake Circle.
- 10-R-1948 (23) Claim of **Christine Morgenstern (DPCD-2)**, for damages alleged to have been sustained as a result of a vehicular accident on November 19, 2009 at 595 Piedmont Avenue.

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**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 10-R-1949 (24) Claim of **Travelers Property Casualty Company of America, as subrogee of the Simpson Organization, through its attorney, Samuel S. Woodhouse (DWM-?)**, for damages alleged to have been sustained as a result of a water main break on October 29, 2009 at 1401 Peachtree Street, Suite 400.
- 10-R-1950 (25) Claim of **Joyce Landau, through her attorney, P. Kent Eichelzer, III, Hait & Eichelzer (DOA-NA)**, for bodily injuries alleged to have been sustained March 30, 2010 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 10-R-1951 (26) Claim of **Anna Hicks and Marilyn Simmons, through their attorney, Gregory J. Parent (DWM-1)**, for damages alleged to have been sustained as a result of flooding due to storm water overflow on September 21, 2009 at 188 Atlanta Avenue, SE.
- 10-R-1952 (27) Claim of **Felicia Daniel, through her attorney, James A. Rice, Jr., P.C. (DOA-NA)**, for bodily injuries alleged to have been sustained after being struck by an elevator door on July 16, 2010 at Hartsfield-Jackson Atlanta International Airport, 6000 N. Terminal Parkway.
- 10-R-1953 (28) Claim of **Mary Dooley, through her attorney, Gregory J. Parent (DWM-10)**, for damages alleged to have been sustained as a result of flooding due to storm water overflow between September 18-20, 2009 at 749 Bolton Road, NW.
- 10-R-1954 (29) Claim of **Mary Ellen James, through her attorney, Gregory J. Parent (DWM-3)**, for damages alleged to have been sustained as a result of flooding due to storm water overflow on September 20, 2009 at 1749 Detroit Avenue.  
**(Councilmember Adrean made a motion to approve Items C1-C21)**

**FAVORABLE**

**REGULAR**

**E. COMMUNICATION**

- 10-C-1905 ( 1) A Communication from Diane O'Steen, Executive Director, Atlanta Bar Association, to Municipal Clerk Rhonda Dauphin Johnson, submitting their appointment of **Mr. Paul Earle Bartels** to serve as a member of the Atlanta Citizen Review Board to serve the unexpired term of Deborah S. Butera. This appointment is to expire on July 19, 2013.  
**(Councilmember Willis made a motion to approve.)**

**FAVORABLE - REFERRED TO COMMITTEE ON COUNCIL**

**F. ORDINANCES FOR SECONDING READING**

- 10-O-1831 ( 1) A **Substitute** Ordinance by Public Safety and Legal Administration Committee amending the 2010 (Intergovernmental Grant Fund) Budget by adding to anticipations and appropriations in the amount of \$172,400.00 on behalf of the Atlanta Fire Rescue Department for the purpose of funding the Car Seat Fitting Station Program developed by the Atlanta Fire Rescue Department; and for other purposes.  
**(Councilmember Adrean made a motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**

- 10-O-1832 ( 2) A **Substitute** Ordinance by Public Safety and Legal Administration Committee amending the 2011 (Intergovernmental Grant Fund) Budget, Department of Police, by adding to anticipations and appropriations in the amount of \$94,600.00, for a grant award from the Governor's Office of Highway Safety and matching funds in the amount of \$142,000.00 from the (General Fund) Budget, to fund the Highway Enforcement of Aggressive Traffic; and for other purposes.  
**(Councilmember Adrean made a motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**

**ORDINANCES FOR SECONDING READING (CONT'D)**

- 10-O-1833 ( 3)     A **Substitute** Ordinance by Public Safety and Legal Administration Committee amending the 2011 (Intergovernmental Grant Fund) Budget, Department of Police ("Department"), by adding to anticipations and appropriations in the amount of \$1,098,159.00 for the FY 2010 Edward Byrne Memorial Justice Assistance Grant ("JAG") Award from the United States Department of Justice; and for other purposes.  
**(Councilmember Adrean made a motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**

**G.     RESOLUTIONS**

- 10-R-1896 ( 1)     A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of Claire Peck v. City of Atlanta, Civil Action File No. 2010MS116039, pending in Fulton County Magistrate Court, in the amount of \$750.00; authorizing said payment to be charged to and paid from the Fund, Departmental, Account and Functional Activity listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.  
**(Councilmember Adrean made a motion to approve.)**

**FAVORABLE**

- 10-R-1927 ( 2)     A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor or his designee to accept a donation for Licensing and Training for the First Responders of the Department of Fire Rescue from the American Ambulance Association and the Invisible Bracelet Network for the purpose of accessing patient health information and coordinating emergency care within the medical network on behalf of the Department of Fire Rescue; and for other purposes.  
**(Councilmember Adrean made a motion to approve.)**

**FAVORABLE**

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**RESOLUTIONS (CONT'D)**

- 10-R-1928 ( 3)      A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor or his designee to enter into an Agreement with 1-800-Board-Up for the purpose of securing structures and protecting valuables of fire victims and other disastrous incidents to residential properties within the City of Atlanta on behalf of the Department of Fire Rescue; and other purposes.  
**(Councilmember Young made a motion to hold.)**

**HELD**

- 10-R-1929 ( 4)      A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to enter into a Renewal Lease Agreement with Gingko Management, LLC, for the rental of approximately 300 square feet of office space located at 852 Ralph David Abernathy Blvd., SW, Atlanta, Georgia, for the Department of Police Zone Four (4) Mini Precinct, beginning January 1, 2011, until December 31, 2014, at a rental rate of \$1 for the year , to be charged to and paid from the Fund Account listed; and for other purposes.  
**(Councilmember Martin made a motion to approve.)**

**FAVORABLE**

- 10-R-1971 ( 5)      A **Substitute** Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of Gerald Boveland v. City of Atlanta, Civil Action File No. 2010MS110923, in the amount of \$1,100.00; authorizing said payment to be charged to and paid from the Fund, Departmental, Account and Functional Activity listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.  
**(Councilmember Martin made a motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**



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**H. PAPERS HELD IN COMMITTEE**

- 10-R-0132 ( 1)     A Resolution by Councilmember Michael J. Bond directing the City of Atlanta to apologize to the patrons and employees of the Atlanta Eagle for the alleged violations of Human and Civil Rights suffered as a result of a police raid carried out on September 10, 2009; and for other purposes. **(Held 1/12/10 for further discussion.)**
- 10-R-0137 ( 2)     A Resolution by Councilmembers Natalyn M. Archibong and C. T. Martin requesting that City Council authorize a Forensic Audit should be conducted as a result of the findings and recommendations from the Audit Report of the Public Safety Facilities Construction and the Sale of City Hall East; and for other purposes. **(Held 1/12/10 for a Joint Work Session with Finance/Executive Committee and Committee on Council) (Work Session held 2/3/10)**
- 10-O-0397 ( 3)     An Ordinance by Councilmember H. Lamar Willis **as substituted by Public Safety and Legal Administration Committee** amending Section 162-227 and Section 162-232 of the City of Atlanta Code of Ordinances so as to establish fees for the administrative costs associated with nonconsensual motor vehicle towing; and for other purposes. (Public Hearing held 4/27/10) **(Held 4/27/10 for further evaluation and review.)**
- 10-O-0399 ( 4)     An Ordinance by Councilmember Ivory L. Young, Jr. to amend Article XXIII, ("Vending on Public Property") of Chapter 30, ("Businesses"), Section 30-1436 ("Disabled Veterans"), of the Code of Ordinances of the City of Atlanta, Georgia, so as to expressly exempt Disabled Veterans from participation in the Public Vending Management Program; and for other purposes. **(Held 2/23/10 for further review.)**
- 10-O-0728 ( 5)     An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 30, Article VIII, of the City of Atlanta Code of Ordinances to clearly distinguish between legitimate Escorts Holding Permits issued by the City of Atlanta under its police powers, and persons who perform Criminal Acts as determined by State Law; and for other purposes. **(Held 5/11/10 for further review.)**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 10-R-0855 ( 6)      Claim of **Ron Tusso**, for damages alleged to have been sustained as a result of a sewer backup on November 10, 2009 at 1850 Memorial Drive. **(Held 5/11/10 for further review by the Law Department)**
- 10-O-1173 ( 7)      An Ordinance by Councilmembers Ivory L. Young, Jr. and C. T. Martin imposing a Ninety (90) Day Moratorium on the City's Public Property Vending Program; to create a subcommittee to study and review the operation of the Public Property Vending Program; to waive conflicting ordinances; and for other purposes. **(Referred back from Council 7/19/10) (Held 7/27/10 for further review.)**
- 10-O-1342 ( 8)      An Ordinance by Councilmembers Kwanza Hall, Michael J. Bond, Aaron Watson, Alex Wan, C. T. Martin, Felicia A. Moore and Ivory L. Young, Jr. to amend Chapter 10, Article II, Division 3 of the Code of Ordinances of the City of Atlanta, Georgia by creating a new Section 10-130 to be entitled "Extended Hours Permit Pilot Program"; to temporarily waive the provisions of Chapter 10, Article II, Section 10-209 (c) and (d) of the Code of Ordinances in the Edgewood Avenue/Auburn Avenue District of the City so as to allow for a Pilot Program to examine the impact of extending the permissible hours for establishments authorized to sell alcoholic beverages for on-premises consumption; to define the boundaries of the Edgewood Avenue/Auburn Avenue District; to waive conflicting ordinances for this instance only; and for other purposes. **(Held 7/13/10 for further discussion)**
- 10-R-1343 ( 9)      A Resolution by Councilmembers Kwanza Hall, Michael J. Bond, Aaron Watson, Alex Wan, Felicia A. Moore, Joyce Sheperd, Ivory L. Young, Jr., Natalyn M. Archibong and Carla Smith **as amended by Public Safety and Legal Administration Committee** to establish a Task Force to review the Alcoholic Beverage Licensing Process generally, from application to License Review Board consideration and to the enforcement of Alcoholic Beverage Laws, Ordinances and Regulations; to authorize the Public Safety and Legal Administration Committee to determine the membership structure of the Task Force; and for other purposes. **(Amended and held 7/13/10 for further discussion)**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 10-O-1809 (10) An Ordinance by Councilmembers Kwanza Hall and Natalyn Archibong to create a new Division 3 (To be entitled "Street Food Vending Program") of Article XXIII ("Vending on Public Property") of the Code of Ordinances of the City of Atlanta, Georgia which Division shall provide the regulatory framework by which street food vending in the City of Atlanta shall be governed, including but not limited to, the creation of street food vending sites, rules and regulations, and the criteria for the issuance of permits and the cost thereof; to waive conflicting ordinances; and for other purposes. **(Held 10/12/10, for further review.)**
- 10-R-1813 (11) A Resolution by Councilmember Michael J. Bond requesting the Atlanta Police Department (APD) to study the feasibility of increasing the collaboration with the Atlanta Public Schools (APS) Security Operations; and for other purposes. **(Held 10/12/10, at the request of the author.)**
- 10-O-1880 (12) An Ordinance by Councilmembers Kwanza Hall, Aaron Watson, H. Lamar Willis, Michael J. Bond, Natalyn Archibong, Keisha Lance Bottoms, Alex Wan and Carla Smith authorizing the operation of Human-Drawn Vehicles (Pedicabs) within the City of Atlanta; to establish requirements and regulations for such program; and for other purposes. **(Held 10/26/10 for further review at the request of the author.)**

**I. ITEM NOT ON THE AGENDA**

- 10-R-1997 ( 1) A Resolution by Public Safety and Legal Administration  
\*\*\* Committee authorizing the continued use of all state approved Speed Detection Devices on State Routes and Off-System Routes within the City of Atlanta as approved by the Georgia Department of Transportation; to continue the established use of Speed Detection Devices and to specify speed limits on State Routes and Off-System Routes within the City of Atlanta, on behalf of the Department of Public Works; and for other purposes.  
**(Councilmember Martin made a motion to approve.)**

**FAVORABLE**

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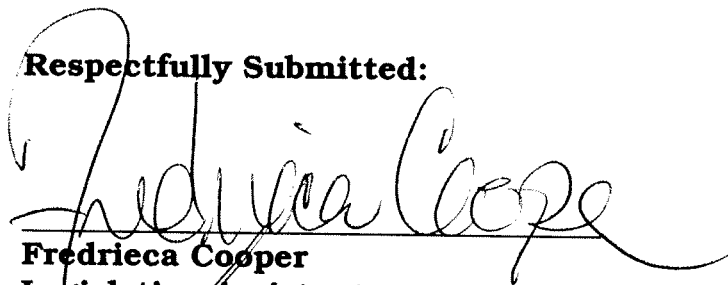
**G. FOLLOW-UP ITEM**

1. Councilmember Adrean made a request that the Committee hear from Risk Management regarding analyzing self-insurance versus purchasing insurance.

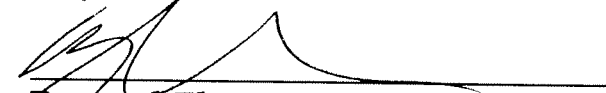
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**There being no further business to come before the Committee, the meeting was adjourned at 5:38 p.m.**

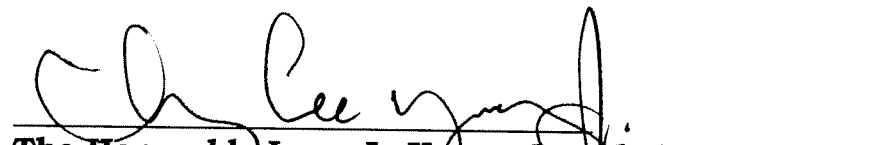
**Respectfully Submitted:**



**Fredriecca Cooper  
Legislative Assistant**



**Bernard Thomas  
Research and Policy Analyst**



**The Honorable Ivory L. Young Jr., Chair  
Public Safety and Legal Administration Committee**